

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

PHILLIP WASHINGTON,

Plaintiff,

v.

UNKNOWN TURNER, et al.,

Defendants.

No. 1:17cv00039 PLC

MEMORANDUM AND ORDER

Plaintiff, a prisoner, moves for leave to proceed *in forma pauperis* [ECF No. 2] in this civil rights action. As required by 28 U.S.C. § 1915(a)(1), Plaintiff submitted an affidavit in which, in relevant part, he avers he is not presently employed; did not, during the past twelve months, receive money from any source; and does not own any valuable property. Pl.’s Mot. *In Forma Pauperis* [ECF No. 2 at 2-3.] Additionally, Plaintiff stated: “total amount of cash owned, \$5.00, checking, none, saving or prison account during the last six (6) months, none.” *Id.* at 2.

When a prisoner seeks leave to pursue a civil action *in forma pauperis*, the plaintiff must also “submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint.” 28 U.S.C. § 1915(a)(2). Because Plaintiff had not filed a certified account statement with his motion and affidavit, the Court directed Plaintiff to submit such a statement by March 31, 2017. See Order, filed Mar. 10, 2017 [ECF No. 5]. In response to the Order, Plaintiff filed what he identified as a “Certified copy of [his] prison trust account statement for the six-month period immediately preceding the filing of the complaint” [ECF No. 6 at 1]. The document consists of copies of three receipts for amounts Plaintiff spent at the institution on one date each in January,

February, and March 2017 [ECF No. 6 at 2-4]. Such information does not, however, comply with the statutory requirement. The statute expressly requires that the certified copy of the statement be “obtained from the appropriate official of each prison at which the prisoner is or was confined” during the relevant six-month period. 28 U.S.C. § 1915(a)(2). Because the prior order did not include that statutory language, the Court provides another opportunity for Plaintiff to file the required financial information before the Court resolves Plaintiff’s motion to proceed *in forma pauperis*.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall obtain, “from the appropriate official of each prison at which [Plaintiff] is or was confined” during the six months immediately preceding the filing of his complaint, a certified copy of his institutional “trust fund account statement (or institutional equivalent).”

IT IS FURTHER ORDERED that Plaintiff shall file the certified copy of his trust fund account statement no later than May 5, 2017.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 7th day of April, 2017.